



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/775,101 | 02/01/2001 | Yuji Kitamura | 08980-00005 | 6976 |

7590 09/26/2003

KATTEN MUCHIN ZAVIS
Suite 1600
525 West Monroe Street
Chicago, IL 60661

| EXAMINER |
|----------|
|----------|

BANGACHON, WILLIAM L

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2635

2

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,101

Applicant(s)

KITAMURA, YUJI

Examiner

William Bangachon

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Examiner's Response

1. In response to the application filed 01 February 2001, the application has been examined. The Examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. It is the Examiner's position that claims 1-37 are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2635

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-22, 24, and 26-37 are rejected under 35 U.S.C. 102(e) as being anticipated by US RE37,822 E (Anthonyson).

Claims 1-18 and 37, recites a method for practicing claims 19-35 and therefore rejected for the same reasons as shown below.

In claims 19-22, 24, 26, Anthonyson teaches of a system for tracking an item {see whole document}, the system comprising:

a tracking station (112, 10, 120) associated with the item {col. 2, lines 22-31; col. 4, lines 39-59; col. 6, lines 35-65};

an identifier for specifying an item-identification of the item and a tracking station-identification of the tracking station {col. 5, lines 13-29; col. 7, lines 11-17}; and

a gate (138, 146) coupled with the tracking station for obtaining the item-identification of the item and the tracking-station-identification of the tracking station and communicating the obtained item-identification and a gate-identification of the gate to the tracking station identified by the tracking-station-identification {paragraph bridging cols. 4 and 5}.

In claims 27, 28, 35, the system further comprising at least one additional gate and at least one additional tracking station (10, 20, 30, 40,...), wherein each item is associated with a particular one of the tracking stations, and wherein each gate obtains from the identifier of any item approaching that gate the item-identification of that item and communicates said item identification to the particular one of the tracking stations together with a gate identification of the gate {col. 3, lines 56-63; col. 5, lines 13-57; paragraph bridging cols. 6 and 7}.

In claims 29, 32, and 34, the gate further communicates to the tracking station an indication of time of detection of the item-identification {col. 7, line 41-col. 8, line 9}.

In claims 30, 31, and 33, the system of claim 19, wherein the gate-identification of the gate comprises an alphanumerical value from which the tracking station can determine the geographical location of the gate {col. 5, lines 24-29; paragraph bridging cols. 6 and 7; col. 8, lines 62-65}.

Claim 36 recites the combination of claims 19 and 27 and there rejected for the same reasons.

7. Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US RE37,822 E (Anthonyson) in view of US 6,340,935 (Hall).

With regards to claims 23 and 25, Anthonyson does not disclose expressly an Internet Protocol address for the item and for the gate. Internet protocol addressing is conventional and has been used as a guide to determine individual addresses for computers hooked up in the Internet. Routing addresses through the Internet allows a computer user to communicate with other computers through existing telephone wires. Clearly, these features are desirable in the system of Anthonyson when managing the plurality of remote parking facilities (20-100) such as the system of Hall. Hall teaches computerized parking facility management wherein parking information is routed through the Internet {Hall, abstract}. The system of Anthonyson and Hall are analogous art because they are from same field of endeavor, parking management. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to

have used internet protocol addressing in the system of Anthonyson because these allows the system to manage the plurality of remote parking facilities over long distances without having to hardwire said facilities.

Examiner Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bangachon whose telephone number is 703-305-2701. The examiner can normally be reached on 4/4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9314 for regular and After Final formal communications. The examiner's fax number is 703-746-6071 for informal communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

William L Bangachon
Examiner
Art Unit 2635

September 22, 2003

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

